

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THOMAS ROSENBURG *et al.*, on behalf  
of themselves and classes of those similarly  
situated.

Case No. CV 06-00430 PJH

**STIPULATION AND [PROPOSED] ORDER  
RE: DISMISSAL OF INDIVIDUAL CLAIMS  
WITHOUT PREJUDICE**

**Plaintiffs.**

1

## INTERNATIONAL BUSINESS MACHINES CORPORATION.

Defendant.

WHEREAS, on March 13, 2006, Plaintiffs Thomas Rosenburg, James R. Baxter, Sherry Mattson, Steve Park, Fnu Kennedy, and Exaldo Topacio ("Plaintiffs"), on behalf of themselves and all others similarly situated, filed the First Amended Complaint in the above-captioned action; and

WHEREAS, Defendants answered on March 30, 2006:

IT IS HEREBY STIPULATED, by and between the parties, through their respective attorneys, that:

1           1. All claims of Plaintiff John Shelly are DISMISSED WITHOUT  
2 PREJUDICE. Each party shall bear his or its own attorneys' fees and costs with respect to these  
3 claims.

4           Dated: 6/7, 2006

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37 *Attorneys for Plaintiffs and the proposed  
38 Plaintiff Classes*

## **ORDER**

The foregoing Stipulation is approved, and IT IS SO ORDERED.

DATED: 6/12/06

